

**Department of Community and Economic Development
Planning Division
ADMINISTRATIVE POLICY/CODE INTERPRETATION**

**MUNICIPAL
CODE SECTIONS:**

Section 4-4-010, Standards for Animal Keeping Accessory to Residential/Commercial Uses, and Section 4-10-070 Nonconforming Animals of the Renton Municipal Code.

REFERENCE:

N/A

SUBJECT:

Clarification of the City's regulation of animals regarding nonconforming uses and grandfathered uses in annexed areas.

BACKGROUND:

Prior to October 2007, subsection L reads as follows:

"L. NONCONFORMING USES:

In cases where the keeping of animals does not comply with these regulations, the situation shall be classified as a nonconforming use. The owner/tenant shall be allowed to keep the number of animals existing at the time the Section became effective (7-15-1985).

1. Animal Replacement: Property owners/tenants who lose an animal after the effective date of this Section shall not be allowed to replace the animal with a similar type of animal.

2. Transferability: Furthermore, for the purposes of this Code, nonconforming use rights belong to a property owner and are not attached to the property and therefore are not transferable from one property owner to another with the sale of the property. RMC Section 4-4-100A, Purpose of Sign Regulations, reads as follows: It is the purpose of these regulations to provide a means of regulating signs so as to promote the health, safety, morals, general welfare, social and economic welfare and esthetics of the City of Renton."

As part of the work that was done with the East Renton Plateau Citizens Task Force, the language of Subsection L was amended to include only the first sentence. The later text was deleted in an effort to discontinue the City's regulations that did not allow the grandfathering of animals, as well as replacement of those animals. The intent of the code

amendment was to allow residents to continue to keep the number and type of animals that they had prior to annexing to the City of Renton.

Prior to March 2008, RMC Section 4-4-010, Standards for Animal Keeping Accessory to Residential/Commercial Uses, had a subsection L titled Non-conforming uses. This subsection was deleted and the language was folded into subsection M titled Violations and Penalties.

In application this portion of the code has been unclear and difficult to administer. The deletion of the text and the later amendment moving the remaining language to a different subsection has not adequately codified the intent of the City to allow residents in annexed areas to continue to keep the animals that they had prior to annexation.

JUSTIFICATION: The desire of the East Renton Plateau Citizens Task Force was to allow residents who annex to the City of Renton to keep the animals that they had in King County prior to annexation. Ambiguity in code should not negate this intent and efforts should be made to implement their intentions and expectations.

DECISION: Residents of areas that are annexed by the City of Renton should be allowed to keep the number and type of animals that they had in King County prior to being annexed by the City provided that the number, type, and manner of keeping complied with King County regulations in place prior to annexation. Residents should also be allowed to replace animals that are lost provided that the number and use remain compliant with the King County regulations that are applicable to the resident.

**PLANNING DIRECTOR
APPROVAL:**

C. E. "Chip" Vincent

DATE:

**APPEAL
PROCESS:**

To appeal this determination, a written appeal--accompanied by the required filing fee--must be filed with the City's Hearing Examiner (1055 South Grady Way, Renton, WA 98057, 425-430-6515) no more than 14 days from the date of this decision. Your submittal should explain the basis for the appeal. Section 4-8-110 of the Renton Municipal Code provides further information on the appeal process.

**CODE
AMENDMENTS
NEEDED TO
IMPLEMENT**

DETERMINATIONS: RMC 4-4-010 shall be amended to replace the old text as amended below as subsection M and create a new subsection N as shown.

M. NONCONFORMING USES:

In cases where the keeping of animals does not comply with these regulations, the situation shall be classified as a nonconforming use. Except that if the owner is the resident of an area annexed by the City of Renton after January 1, 2007, the owner/tenant shall be allowed to keep the ~~number~~ number and type of animals existing at the time ~~the~~ the annexation was effective, provided that the number of animals, type of animals, and the manner in which the animals are kept was a legal and conforming use in King County prior to the effective date of the annexation. Section became effective (7-15-1985).

1. Animal Replacement: Property owners/tenants of areas annexed after January 1, 2007 who lose an animal after the effective date of this Section the annexation shall ~~not~~ be allowed to replace the animal with a similar type of animal.

2. Transferability: ~~Furthermore, for the purposes of this Code,~~ ~~Non~~conforming use rights belong to a property owner and are not attached to the property and therefore are not transferable from one property owner to another with the sale of the property.

N. VIOLATIONS AND PENALTIES:

1. Compliance with Current Code Regulations: If the keeping of animals does not comply with these regulations and is not classified as a nonconforming use, the owner shall have to comply with the Code regulations.

2. Fines: Violation of land use permits granted is subject to fines established in this Code. All other violations of police regulations shall be administered in accordance with Chapter 6-6 RMC, Animals and Fowl at Large.